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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,239	06/20/2000	Kiyoshi Suzuki	PNDF-00040	5864
30743	7590	07/27/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			KASSA, YOSEF	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/597,239	SUZUKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	YOSEF KASSA	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 February 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> 1) Notice of References Cited (PTO-892)<br><input type="checkbox"/> 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)<br><input checked="" type="checkbox"/> 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/20/2001</u> . | <input type="checkbox"/> 4) Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____.<br><input type="checkbox"/> 5) Notice of Informal Patent Application (PTO-152)<br><input type="checkbox"/> 6) Other: _____. |
|--|--|

### ***Response to Arguments***

1. Applicant's arguments, (page 9-13) filed on 02/08/2005, with respect to claims 1-20 under Setlak et al (U.S. Patent 5,940,526), Seltak et al (U.S. Patent U.S. 6,628,812), and Fukiwara (U.S. Patent U.S. 6,310,683), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Setlak et al (U.S. Patent 6,259,804).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 10, 12, 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setlak et al (U.S. Patent 5,940,526), and further in view of Setlak et al (U.S. Patent 6,259,804).

With regard to claim 1, Setlak 526 discloses removing static electricity stored on a finger of a user, i.e., finger charge bleeding, (see col. 3, lines 18-24) through a plate on finger print reading apparatus adjacent finger print-reading portion (see col. 3, lines 39-51) prior to putting his finger on a fingerprint-reading portion (see col. 3, lines 58-67).

Setlak 526 does not disclose expressly for removing static electricity stored on a finger while obtaining access to finger print reading portion by movement of a structure for covering finger print reading portion when not in use. However, in the same field of endeavor, Setak 804 discloses this feature (see col. 6, lines 17-26). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Setlak 804 finger charge bleeding process into Setlak 526 system. The suggestion/motivation for doing so would have been to remove the charge from the finger by contacting the opening to the exposed upper dielectric layer of fingerprint sensor device.

Claim 2 is similarly analyzed and rejected the same as claim 1.

With regard to claim 3, Setlak 526 discloses forming said cover of conductive material (see col. 5, lines 6-9), connecting said cover with a ground (see Fig. 4, item 53' connected to the ground), and conducting static electricity to a ground via cover when said cover is opened by said finger of user (see col. 6, lines 38-47).

Claim 4 is similarly analyzed and rejected the same as claim 1. Except, the additional limitation of "situating plate on a position on which user puts finger to open cover" see col. 5, lines 43-47.

Claim 5 is similarly analyzed and rejected the same as claim 1. Except, the additional limitation of "removing static electricity stored on finger of a user when user opens a main cover or another apparatus" see col. 5, lines 40-47.

Claim 7 is similarly analyzed and rejected the same as claim 1. Except, the additional limitation of "a cover which closes fingerprint reading portion when fingerprint reading portion is not used" see col. 5, lines 40-47.

Claims 10 is similarly analyzed and rejected the same as claim 7.

With regard to claim 6, Setlak 526 discloses another apparatus is provided with a lock releasing button which is formed of conductive material and connected with a ground, and said static electricity stored on said finger is removed via a lock releasing button when said user opens said main cover of said another apparatus (see col. 6, lines 17-26, which broadly reads on the opening feature or pivotally connected cover).

With regard to claim 9, Sitlak 526 discloses conductive material is metal (see col. 6, lines 19-24).

Claims 12, 15 and 18 are similarly analyzed and rejected the same as claim 9.

With regard to claim 20, Sitlak 526 conductive material is plastic containing carbon fibers therein (see col. 6, lines 50-65).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 11, 13, 14, 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setlak et al (U.S. Patent 5,940,526), and further in view of Fujiwara et al (U.S. Patent 6,310,683).

With regard to claim 8, Setlak et al is silent about conductive material is conductive resin. However, in the same field endeavor, Fujiwara teaches this feature (see col. 11, lines 20-26). At the time of the invention was made, it would have been obvious to a person of an ordinary skill in the art to incorporate a fingerprint reading apparatus as taught by Fujiwara in the system of Setlak et al because Fujiwara provides Setlak et al system a process of reducing an optical loss in reading a fingerprint, eliminating positioning among the respective components and improving the productivity.

Claims 11, 14 and 17 are similarly analyzed as claim 8.

Claim 13 is similarly analyzed and rejected the same as claims 1 and 3. As to the additional limitation of a main cover which is provided with a display, this feature is taught by setlak et al (see Fig. 1, item 53).

Claims 16 and 19 are similarly analyzed as claim 13.

#### ***Other Prior Art Cited***

4. The prior art made of record and not relied upon is considered pertinent to Applicant disclosure.

US Patent No. (5429006) to Tamori discloses semiconductor matrix type sensor for...

US Patent No. (5446290) to Fujieda et al disclose fingerprint image input device having an image sensor...

US Patent No. (5635723) to Fujieda et al discloses fingerprint image input apparatus.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (703) 306-5918. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BHAVESH MEHTA can be reached on (703) 308-5246. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 regular communication and (571) 273-8300 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (703) 306-5631. The group receptionist number for TC 2600 is (703) 305-4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

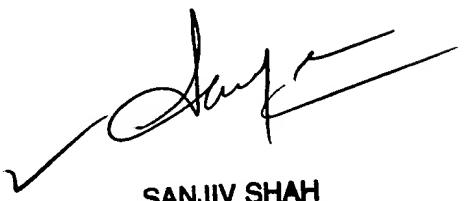
Should you have questions on access to the Private PAIR system, contact the  
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**PATENT EXAMINER**

Yosef Kassa



07/18/2005.



SANJIV SHAH  
PRIMARY EXAMINER